

51



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/020,529	12/15/2001	Sean Nathan Davie	EN11358	9119				
7590	08/23/2004		<table border="1"> <tr> <td>EXAMINER</td> </tr> <tr> <td>DESIR, PIERRE LOUIS</td> </tr> </table>		EXAMINER	DESIR, PIERRE LOUIS		
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DESIR, PIERRE LOUIS								
Motorola, Inc. Law Department Room 1610 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			<table border="1"> <tr> <th>ART UNIT</th> <th>PAPER NUMBER</th> </tr> <tr> <td>2681</td> <td></td> </tr> </table>		ART UNIT	PAPER NUMBER	2681	
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2681								
			DATE MAILED: 08/23/2004 <div style="float: right; font-size: 2em;">3</div>					

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,529

Applicant(s)

DAVIE ET AL.

Examiner

Pierre-Louis Desir

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show all the details (figs. 2 –12 are not readable) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 7 and 8 are objected to because of the following informalities:
“détente” should be “detent.” Appropriate correction is required.

Claim 8 is objected to because of the following informalities: "the at least on vertical wall" should be "the at least one vertical wall." Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphreys et al. (U. S. Patent No. 5825874) (Humphreys) in view of Richard et al. (U. S. Patent No. 5481889) (Richard).

Humphreys teaches a latching apparatus (mobile telephone holder) comprising a base (i.e. secure position within holder) (see abstract and col. 2 line 18) having a rotational connecting means (i.e. release button that rotates each arm about a fixed axis) (see col. 3 line 9) and a latching means (i.e. a latch of a clamping mechanism that automatically secures the detachable member into the holder in a locked position) (see col. 2 lines 28-30). In addition, Humphreys also discloses a detachable member (i.e. mobile telephone) where a holder, which has a clamping mechanism that securely, holds the detachable member (mobile telephone) from and into a secure position within the holder (see col. 2 lines 14-19, and figs. 1A, 1B, and 2).

Although Humphreys teaches a latching apparatus (mobile telephone holder) with the characteristics described above, and a detachable member, which is fixedly coupled to the rotational member (see col. 3 lines 8-11), Humphreys does not specifically teach of a latching apparatus (mobile telephone holder) with a rotational member having a rotational mating means, a sliding latching means, and a latching mating means nor does he teach of a detachable member wherein the rotational mating means is mechanically coupled to the rotational connecting means, and wherein the detachable member is fixedly coupled to the rotational member when the latching mating means is coupled to the latching means.

However, Richard discloses that it is very well known in the art of latching mechanism, to have a latching apparatus comprising of a rotational member having a rotational mating means (i.e. rotation limiting member) (see fig. 5, col. 2 lines 41-44, and col. 4 lines 25-32), a sliding latching means (i.e. a rack and a pinion gear which operate to slide a latch bar) (see figure 3, and col. 3 lines 62-63), and a latching mating means (i.e. a latch bar that includes engagements members at opposed ends of the bar) (see fig. 2, col. 3 lines 45-60, and col. 6 lines 52-54).

Therefore, given that it is known within the art to have a latching apparatus in the manner in which Richard describes, then it would have been obvious to one of ordinary skill in the art, at the time the invention was made to improve upon the latching apparatus (mobile phone holder) as taught by Humphreys by adapting the latching apparatus (mobile phone holder) so that its rotational member could have a rotational mating means, a sliding latching means, a latching mating means, and a retention hood (i.e. bar retainers) (see col.4 line 49); and so that the rotational mating means could be mechanically coupled to the rotational connecting means in its detachable member, which would be fixedly coupled to the rotational member when the latching

Art Unit: 2681

mating means is coupled to the latching means as taught by Richard because it would provide Humphreys latching apparatus (mobile phone holder) with an interchangeably latch handles which may be required for various latching needs (see col. 2 line 12-13).

Allowable Subject Matter

5. Claim 3-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-6054312. The examiner can normally be reached on 0800-1630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/18/2004


ERIKA G. FRY
PATENT EXAMINER